



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **September 22, 2006**

TO: **Mayor and Members of the City Council**

FROM: **Robert Paternoster, Community Development Director**

THROUGH: **Amy Chan, City Manager**

RE: **Opportunity for Council to appeal decisions of the Planning Commission of September 11, 2006 and the Administrative Hearing of September 13, 2006.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

If you have any questions, please contact Trudi Ryan, the City's Planning Officer at (408) 730-7435.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
September 11, 2006
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

Meeting called to order.

- 1. 2006-0027 - Lee Ashby [Applicant] John Arrillaga Trustee & Et Al [Owner]:**
Application for a Special Development Permit on two adjacent properties totaling 5.7 acres site to allow the construction of two new office buildings resulting in 44% Floor Area Ratio (FAR) where 35% FAR is allowed by right. The property is located at **975 and 995 Benecia Avenue** (near Macara Ave) in an M-S (Industrial & Service) Zoning District. (Negative Declaration) (APN: 165-39-006) SL (20 minutes)
- 2. Potential Study Issues** - This item may be continued until after the public hearing if not completed. (25 minutes)
- 3. Public Comment on Study Session Agenda Items** (5 minutes)
- 4. Comments from the Chair** (5 minutes)

Meeting adjourned at 7:55 p.m.

Meeting reconvened at 8:20 p.m. to continue discussion regarding Potential Study Issues.

Meeting adjourned at 8:40 p.m.

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Vice Chair Sulser presiding.

ROLL CALL

Members Present: Vice Chair Brandon Sulser; Commissioner Laura Babcock; Commissioner Darab Ghaffary; Commissioner Charles Hungerford; and Commissioner Harriet Rowe; Commissioner David Simons.

Members Absent: Chair Larry Klein, excused absence.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of August 28, 2006.

ACTION: Comm. Ghaffary made a motion to approve the minutes of the Planning Commission meeting of August 28, 2006. Comm. Rowe seconded. Motion carried 5-0-1, Comm. Simons abstaining and Chair Klein absent.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2006-0554** – Application for a Design Review on a 5,270 square-foot site to allow a new 1,529 square foot second-story addition resulting in a 51.7% Floor Area Ratio where 45% may be allowed without Planning Commission review. The property is located at **909 Amador Avenue** (near San Ramon Ave) in an R-0 (Low Density Residential) Zoning District. (APN: 205-06-049) SL

ACTION: Comm. Babcock made a motion on 2006-0554 to approve the Design Review with the attached conditions. Comm. Simons seconded. Motion carried, 6-0, Chair Klein absent.

APPEAL OPTIONS: This decision is final unless appealed to the City Council no later than September 26, 2006.

2. **Review of the Code of Ethics (Also tentatively scheduled to be heard by City Council on December 12, 2006)**

Trudi Ryan, Planning Officer, said the City Council asks that all Boards and Commissions annually review the Code of Ethics both as a reminder and as an opportunity to provide comment to Council for any changes.

Comm. Rowe commented that this code has worked well for Commissioners and Councils. She said with the additional training received as required by the State that there are many resources to keep Commissioners and Council on track. She said she feels the code is fine as it is.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said there were no Planning related items on the Council agendas since the last Planning Commission meeting.

Other Staff Oral Report

Ms. Ryan reminded the Commission that there would be a Community Visioning Fair on October 28, 2006 at the Community Center and said she would provide more detailed information prior to the event. She said this is an opportunity for the community to get together and talk about the future. Ms. Ryan said there would be a booklet available prior to the event providing history and trends of the different aspects of the community that should help Fair attendees think about what they would like to see for the future of Sunnyvale.

INFORMATION ONLY ITEMS

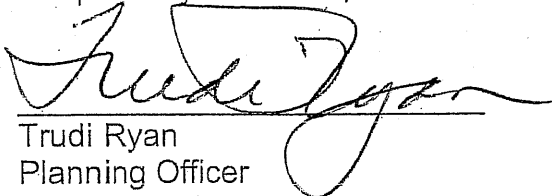
Comm. Babcock reminded the Commission, staff and the public that the ground breaking for the new Heritage Park Museum will be held on Saturday, September 30, 2006, from 11 a.m. to 2 p.m. She said the event open to the public with free admission, and that everyone is invited attend and enjoy the barbeque, live music, children's events and a huge antique and collectables sale.

ADJOURNMENT

ADJOURNMENT TO STUDY SESSION

With no further business, the Commission meeting was adjourned to Study Session in the West Conference Room at 8:20 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY Wednesday, September 13, 2006

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

2006-0787 – Ginger Café [Applicant] **1963 Yvonne Jacobson Trust Et Al** [Owner]: Application for a Special Development Permit on a 33,700 square foot site to allow a general liquor license within a restaurant in Cherry Glen Plaza. The property is located at **398 West El Camino Real Suite 114** (near S Mathilda Ave) in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District. (APN: 201-22-009) MH

ACTION: Taken under advisement and approved on September 15, 2006.

APPEAL OPTIONS: May be appealed to the Planning Commission by Monday, October 2, 2006.

2006-0827 – Taverna Bistro [Applicant] **Carmen A Hubbarb** [Owner]: Application for a Special Development Permit on a 3,125 square-foot site to include tobacco use (hookah) in an existing restaurant. The property is located at **133 South Murphy Avenue** (near E. Evelyn Ave.) in a DSP-2 (Downtown Specific Plan/Sub-district 2) Zoning District. (APN: 209-06-004) JMC

ACTION: Approved.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 28, 2006.